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EQUITY—EXECUTION SALE SET ASIDE BECAUSE SOLD EN MASSE.—An eighty acre tract of land was sold to the defendant at a sheriff's sale, to satisfy a judgment against one N. The plaintiff had previously bought the same land from N., after the judgment, but before the issuance of execution and sale of the land under it. He had no actual notice or knowledge of the execution or sale, or of the judgment itself, until long after the sheriff's deed was made. The life estate of N. in the land was worth \$6,000, he had sold it to the plaintiff for \$5,000, and it was sold at the sheriff's sale, *en masse*, for about \$125. *Held*, the plaintiff was entitled to have the sheriff's deed cancelled, upon payment to the judgment creditor of the amount of the judgment against N. *Van Gundy v. Hill* (Ill. 1914), 104 N. E. 147.

It is well settled that the creditor may insist that his debt shall be paid; but when a needless sacrifice is made of the debtor's property, an unconscionable advantage is taken of the debtor, not warranted by law. *Smith v. Huntoon*, 134 Ill. 24, 24 N. E. 971. Many of the states have statutes which in effect provide that lands susceptible of sale under execution be sold in separate tracts or lots. For an example of such a statute see Hurd's (Ill.) Rev. St. 1899, c. 77, § 12. Where such statutes are in force the approved practice in the sale of divisible property is for the officer to offer each tract separately, and if no bidder can be secured, to add another tract thereto, and so on until a bidder is secured. *Henderson v. Harness*, 184 Ill. 520, 56 N. E. 786; *Weaver v. Guyer*, 59 Ind. 195. If the officer, in spite of the statute, sells property *en masse* which is capable of sale in separate parcels, such a sale is variously regarded in the several states. In some cases such a sale is held void. See *Forbes v. Hall*, 102 Ga. 47; 28 S. E. 915, 66 Am. St. Rep. 152; *Bardeus v. Huber*, 45 Ind. 235; *Brian v. Robinson*, 102 Tenn. 157, 52 S. W. 802. In others, a sale *en masse*, under execution, of separate tracts of land, is valid until set aside by some direct proceeding therefor. *Palmer v. Riddle*, 180 Ill. 461, 54 N. E. 227; *Rector v. Hartt*, 8 Mo. 448, 41 Am. Dec. 650. In still other cases it is held that such a sale is not invalid in the absence of proof that the property was sacrificed. *Glasscock v. Price*, 92 Tex. 271, 45 S. W. 415, 47 S. W. 965; *Hudepohl v. Liberty Hill Water & Mining Co.*, 94 Cal. 588, 28 Am. St. Rep. 149. The remedies of the owner in such a case would seem to be confined to setting the sale aside by motion, or by a proceeding in equity. *Boyd v. Ellis*, 11 Ia. 97; *White v. Watts*, 18 Ia. 74. A dictum in *Miller v. Baxter*, 108 Ga. 600, 34 S. E. 169, seems to indicate that the officer could be enjoined from selling more land than is necessary to satisfy the judgment. An injunction against the completion of a sheriff's sale under similar circumstances was denied, however, in *Holmes v. Steele*, 28 N. J. Eq. 173; *Ballance v. Loomiss*, 22 Ill. 82, and *White v. Crow*, 110 U. S. 183, 28 L. ed. 113.

EQUITY—STATUTE OF LIMITATIONS, WHERE JURISDICTION CONCURRENT.—Plaintiff alleged in his bill that in 1891 he had sold a tract of land to defendants for \$5.00 an acre, and that the land conveyed exceeded the estimated quantity by some 159 acres. He is suing to recover \$1,758, the